

**ASSEMBLY BILL**

**No. 1057**

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**Introduced by Assembly Member De La Torre**

February 22, 2005

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An act to amend Sections 52616, 52616.23, and 60850 of, and to repeal and add Section 60853 of, the Education Code, relating to adult education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1057, as introduced, De La Torre. Adult education: funding.

(1) Existing law requires the Superintendent of Public Instruction to determine an adult block entitlement for a school district that maintains an education program for adults, to be deposited in a separate fund of the school district known as the adult education fund.

Existing law requires the Superintendent to develop criteria to identify programmatic areas of adult education that are in need of expansion. Existing law provides an opportunity for a school district to apply for additional units of adult education average daily attendance to meet identified local needs of expansion, and provides that additional units result in a new limit of adult education average daily attendance.

This bill would require that moneys remaining unencumbered in the adult education fund of a school district at the end of a fiscal year revert back to the Superintendent, for reallocation to school districts to fund programmatic areas of adult education that are in need of expansion. The bill would delete those provisions relating to the application for additional units of adult education average daily attendance to meet those programmatic areas of adult education that are in need of expansion.

(2) Existing law requires, commencing with the 2003–04 school year, that a pupil completing grade 12 successfully pass a high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school. Existing law requires that the exit examination be offered to individuals with exceptional needs, and that individuals with exceptional needs be administered the exit examination with appropriate accommodations, where necessary. Existing law defines accommodations as including variations in scheduling, setting, aids, equipment, and presentation format. Existing law, in order to prepare pupils to succeed on the exit examination, requires a school district to use regularly available resources, and any available supplemental remedial resources.

This bill would require that the exit examination be offered to a person regularly enrolled in an adult education program, and would authorize a school district to administer the test on a Saturday, and other times and locations convenient for a person regularly enrolled in an adult education program, thus imposing a state-mandated local program. The bill would also authorize a school district to prepare an adult who has completed all high school graduation requirements except passing the exit examination, to succeed on the exit examination. The bill would require a school district to use resources from the adult education fund of the school district for those purposes.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 52616 of the Education Code is  
2 amended to read:  
3 52616. (a) Notwithstanding any other provision of law,  
4 ~~commencing July 1, 1993, the Superintendent of Public~~  
5 ~~Instruction~~ shall determine an adult block entitlement, to be paid

from appropriations to Section A of the State School Fund as part of the principal apportionment to school districts, for those school districts that maintain education programs for adults by multiplying the adult education revenue limit per unit of average daily attendance determined pursuant to Section 52616.16 and the adult education average daily attendance determined pursuant to Section 52616.17.

(b) The adult block entitlement shall be deposited in a separate fund of the school district to be known as the “adult education fund.” Money in an adult education fund shall be expended only for adult education purposes. Moneys received for programs other than adult education shall not be expended for adult education.

(c) *Moneys remaining unencumbered in an adult education fund at the end of a fiscal year shall revert back to the Superintendent, for reallocation to school districts to fund programmatic areas of adult education that are in need of expansion identified pursuant to Section 52616.23.*

SEC. 2. Section 52616.23 of the Education Code is amended to read:

52616.23. The Superintendent of ~~Public Instruction~~ shall develop criteria to identify the programmatic areas of adult education that are in need of expansion. ~~Each district shall be given an opportunity to apply for additional authorized units of adult education average daily attendance to meet any local needs in the identified adult education programs. Any adult education average daily attendance authorized by the superintendent shall result in a new authorized limit of adult education average daily attendance for the districts.~~

SEC. 3. Section 60850 of the Education Code is amended to read:

60850. (a) The Superintendent of ~~Public Instruction~~, with the approval of the State Board of Education, shall develop a high school exit examination in English language arts and mathematics in accordance with the statewide academically rigorous content standards adopted by the ~~State Board of Education~~ *state board* pursuant to Section 60605. To facilitate the development of the examination, the ~~superintendent~~ *Superintendent* shall review any existing high school subject matter examinations that are linked to, or can be aligned with, the

1 statewide academically rigorous content standards for English  
2 language arts and mathematics adopted by the ~~State Board of~~  
3 ~~Education. By October 1, 2000, the State Board of Education~~  
4 ~~shall adopt a high school exit examination that is aligned with~~  
5 ~~statewide academically rigorous content standards~~ *state board*.

6 (b) The ~~Superintendent of Public Instruction~~, with the  
7 approval of the ~~State Board of Education~~ *state board*, shall  
8 establish a High School Exit Examination Standards Panel to  
9 assist in the design and composition of the exit examination and  
10 to ensure that the examination is aligned with statewide  
11 academically rigorous content standards. Members of the panel  
12 shall include, ~~but are not limited to,~~ teachers, administrators,  
13 school board members, parents, and the general public. Members  
14 of the panel shall serve without compensation for a term of two  
15 years and shall be representative of the ~~state's~~ ethnic and cultural  
16 diversity and gender balance *of the state*. The ~~superintendent~~  
17 *Superintendent* shall also make the best effort to ensure  
18 representation of the ~~state's~~ diversity *of the state* relative to  
19 urban, suburban, and rural areas. The ~~State Department of~~  
20 ~~Education~~ *department* shall provide staff to the panel.

21 (c) The ~~Superintendent of Public Instruction~~ shall require that  
22 the examination be field tested before actual implementation to  
23 ensure that the examination is free from bias and that its content  
24 is valid and reliable.

25 (d) Before the ~~State Board of Education~~ *state board* adopts the  
26 exit examination, the ~~Superintendent of Public Instruction~~ shall  
27 submit the examination to the Statewide Pupil Assessment  
28 Review Panel established pursuant to Section 60606. The panel  
29 shall review all items or questions to ensure that the content of  
30 the examination complies with the requirements of Section  
31 60614.

32 (e) The exit examination prescribed in subdivision (a) shall  
33 conform to the following standards or it shall not be required as a  
34 condition of graduation:

35 (1) The examination may not be administered to a pupil who  
36 did not receive adequate notice as provided for in paragraph (1)  
37 of subdivision (f) regarding the test.

38 (2) The examination, regardless of federal financial  
39 participation, shall comply with Title VI of the Civil Rights Act  
40 (42 U.S.C. Sec. 2000d et seq.), its implementing regulations (34

1 C.F.R. Part 100), and the Equal Educational Opportunities Act of  
2 1974 (20 U.S.C. Sec. 1701).

3 (3) The examination shall have instructional and curricular  
4 validity.

5 (4) The examination shall be scored as a ~~criterion-referenced~~  
6 *criterion-referenced* examination.

7 (f) For purposes of this section, the following terms have the  
8 following meanings:

9 (1) “Accommodations” means any variation in the assessment  
10 environment or process that does not fundamentally alter what  
11 the test measures or affect the comparability of scores.  
12 “Accommodations” may include variations in scheduling,  
13 setting, aids, equipment, and presentation format. *A variation in*  
14 *scheduling may include administration of the test on a Saturday,*  
15 *and other times and locations convenient for a person regularly*  
16 *enrolled in an adult education program.*

17 (2) “Adequate notice” means that the pupil and his or her  
18 parent or guardian have received written notice, at the  
19 commencement of ~~the pupil’s 9th~~ grade 9, and each year  
20 thereafter through the annual notification process established  
21 pursuant to Section 48980, or if a transfer pupil, at the time the  
22 pupil transfers. A pupil who has taken the exit examination in the  
23 10th grade is deemed to have had “adequate notice” as defined in  
24 this paragraph.

25 (3) “Curricular validity” means that the examination tests for  
26 content found in the instructional textbooks. For the purposes of  
27 this section, any textbook or other instructional material adopted  
28 pursuant to this code and consistent with the ~~state’s adopted~~  
29 *state-adopted* curriculum frameworks shall be deemed to satisfy  
30 this definition.

31 (4) “Instructional validity” means that the examination is  
32 consistent with what is expected to be taught. For the purposes of  
33 this section, instruction that is consistent with the ~~state’s adopted~~  
34 *state-adopted* curriculum frameworks for the subjects tested shall  
35 be deemed to satisfy this definition.

36 (5) “Modification” means any variation in the assessment  
37 environment or process that fundamentally alters what the test  
38 measures or affects the comparability of scores.

39 (g) The examination shall be offered to individuals with  
40 exceptional needs, as defined in Section 56026, in accordance

1 with paragraph (17) of subsection (a) of Section 1412 of Title 20  
2 of the United States Code and Section 794 and following of Title  
3 29 of the United States Code. Individuals with exceptional needs  
4 shall be administered the examination with appropriate  
5 accommodations, where necessary.

6 ~~(h) Nothing in this chapter shall~~ *The examination shall be*  
7 *offered to a person who is regularly enrolled in an adult*  
8 *education program.*

9 *(i) This chapter does not* prohibit a school district from  
10 requiring pupils to pass additional exit examinations approved by  
11 the governing board of the school district as a condition for  
12 graduation.

13 SEC. 4. Section 60853 of the Education Code is amended to  
14 read:

15 60853. (a) In order to prepare ~~pupils~~ *a pupil* to succeed on the  
16 exit examination, a school district shall use regularly available  
17 resources and any available supplemental remedial resources,  
18 including, ~~but not limited to,~~ funds available for programs  
19 established by Chapter 320 of the Statutes of 1998, Chapter 811  
20 of the Statutes of 1997, ~~Chapter 743 of the Statutes of 1998,~~ and  
21 funds available for other similar supplemental remedial  
22 programs.

23 (b) It is the intent of the Legislature that a school district  
24 consider restructuring its academic offerings reducing the  
25 electives available to ~~any~~ *a pupil* who has not demonstrated the  
26 skills necessary to succeed on the exit examination, so that the  
27 pupil can be provided supplemental instruction during the  
28 regularly scheduled academic year.

29 (c) A school district should prepare ~~pupils~~ *a pupil* to succeed  
30 on the exit examination. In preparing ~~pupils~~ *a pupil* to succeed,  
31 ~~school districts are~~ *a school district is* encouraged to use existing  
32 resources to ensure that all pupils succeed. The state has created  
33 programs ~~such as~~ *including* the Class Size Reduction Program,  
34 staff development programs, after school programs, and others,  
35 in addition to providing general purpose funding, in order to  
36 assist ~~school districts~~ *a school district* in providing an education  
37 that will help all pupils succeed.

38 *(d) This section shall become inoperative on July 1, 2006, and,*  
39 *as of January 1, 2007, is repealed, unless a later enacted statute,*  
40 *that becomes operative on or before January 1, 2007, deletes or*

1 *extends the dates on which it becomes inoperative and is*  
2 *repealed.*

3 SEC. 5. Section 60853 is added to the Education Code, to  
4 read:

5 60853. (a) (1) In order to prepare a pupil to succeed on the  
6 exit examination, a school district shall use regularly available  
7 resources and any available supplemental remedial resources,  
8 including funds available for programs established by Chapter  
9 320 of the Statutes of 1998, Chapter 811 of the Statutes of 1997,  
10 and funds available for other similar supplemental remedial  
11 programs.

12 (2) A school district may prepare an adult who has completed  
13 all high school graduation requirements except passing the exit  
14 examination, to succeed on the exit examination. A school  
15 district shall use resources apportioned pursuant to Section 52616  
16 for those purposes.

17 (b) It is the intent of the Legislature that a school district  
18 consider restructuring its academic offerings reducing the  
19 electives available to a pupil who has not demonstrated the skills  
20 necessary to succeed on the exit examination, so that the pupil  
21 can be provided supplemental instruction during the regularly  
22 scheduled academic year.

23 (c) A school district should prepare a pupil to succeed on the  
24 exit examination. In preparing a pupil to succeed, a school  
25 district is encouraged to use existing resources to ensure that all  
26 pupils succeed. The state has created programs including the  
27 Class Size Reduction Program, staff development programs, after  
28 school programs, and others, in addition to providing general  
29 purpose funding, in order to assist a school district in providing  
30 an education that will help all pupils succeed.

31 (d) This section shall become operative on July 1, 2006.

32 SEC. 6. If the Commission on State Mandates determines that  
33 this act contains costs mandated by the state, reimbursement to  
34 local agencies and school districts for those costs shall be made  
35 pursuant to Part 7 (commencing with Section 17500) of Division  
36 4 of Title 2 of the Government Code.